

**To:** Kivowitz, Sharon[Kivowitz.Sharon@epa.gov]; McCreary, Jean[JMcCreary@nixonpeabody.com]  
**Cc:** Gallagher, Mark (ENRD)[Mark.Gallagher@usdoj.gov]  
**From:** Trimarchi, Peter  
**Sent:** Mon 9/12/2016 8:11:05 PM  
**Subject:** RE: AVX CD and SOW

removed.txt

AVX - draft amended Consent Decree(1) 4841-3696-3381 v.12.docx

Olean - CD redline - 9.12.16.pdf

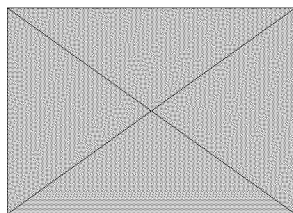
Sharon – I’m attaching a revised version of the proposed Consent Decree for AVX, reflecting our conversation on Friday. I understand you and Mark were going to get together to discuss certain of the remaining outstanding issues, but I thought this draft might be helpful in that regard.

And FYI – we are dropping our request to add language in paragraphs 4.5(e), 4.6(b), and 4.8(c) of the SOW regarding the scope of the remedy. I believe that resolves the last remaining issue on that document.

I’m happy to discuss this draft of the CD with you at your convenience.

Thanks.

-Pete



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**From:** Kivowitz, Sharon [<mailto:Kivowitz.Sharon@epa.gov>]

**Sent:** Thursday, September 08, 2016 8:13 AM

**To:** Trimarchi, Peter; McCreary, Jean

**Cc:** Gallagher, Mark (ENRD)

**Subject:** RE: AVX CD and SOW

That is really strange because I know that I attached the CDs. Hmmmm, I wonder if Todd Hooker got the CDs instead of the tolling agreement. I must be losing my mind. Please disregard the tolling agreement. Here is the CD.

I'll call you about NCHGW later this morning.

Sharon

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**From:** Trimarchi, Peter [<mailto:ptrimarchi@nixonpeabody.com>]

**Sent:** Wednesday, September 07, 2016 7:45 PM

**To:** Kivowitz, Sharon <[Kivowitz.Sharon@epa.gov](mailto:Kivowitz.Sharon@epa.gov)>; McCreary, Jean <[JMcCreary@nixonpeabody.com](mailto:JMcCreary@nixonpeabody.com)>

**Cc:** Gallagher, Mark (ENRD) <[Mark.Gallagher@usdoj.gov](mailto:Mark.Gallagher@usdoj.gov)>

**Subject:** RE: AVX CD and SOW

Sharon – I believe the AVX CD attachments were omitted from your email. The attachments only contained New Cassel tolling drafts.

Thanks.

ED\_001164\_00018479-00001

- Pete

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**From:** Kivowitz, Sharon [<mailto:Kivowitz.Sharon@epa.gov>]  
**Sent:** Wednesday, September 07, 2016 4:22 PM  
**To:** Trimarchi, Peter; McCreary, Jean  
**Cc:** Gallagher, Mark (ENRD)  
**Subject:** AVX CD and SOW

Hi Pete,

Attached please find RLSO and clean versions of the AVX CD. Please note that, as we discussed, while the US will not agree to a site-wide covenant, we will agree, for purposes of this CD amendment only and for case-specific reasons, to grant broader contribution protection than the covenant that is provided so that AVX is afforded the same contribution protection it received in the 1998 CD. Otherwise, I believe the remaining changes are self-explanatory. The US cannot agree to any additional changes.

While we did not discuss it on our call last week, EPA can also not agree to the requested changes in the SOW. We believe the language you requested is unnecessary. Call me if you would like to discuss.

Also, I never called you about NCHGW. I'll give you a call tomorrow about it. I'm leaving for the day in a few minutes.

Sharon

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